

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 7-17 are currently pending. Claims 7, 16, and 17 are independent. Claims 7-14, 16, and 17 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed. Claims 1-6 have been cancelled without prejudice or disclaimer of subject matter.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102

Claims 7-16 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,530,519 to Suzuki (hereinafter, merely Suzuki).

Independent claim 7 recites, *inter alia*:

“...a control information input means that enables an operator to input control information of the object to be controlled when the distinguishing information read out from the

storage means of the expendable apparatus by the read out means represents that the expendable apparatus is an incompatible product.”

Suzuki describes that “the control unit 5 stops the printer and displays a message to the effect that the mounted consumable is inapplicable to this printer and should be replaced with a correct consumable.” (See Suzuki, Col. 7:18-22.)

The invention recited in claim 7 is directed to receiving inputting control information when an expendable apparatus which is provided is an incompatible product, and controlling the operation of the object to be controlled on the basis of the input control information. That is, the invention recited in claim 7 is directed to forming an image even if the expendable apparatus is an incompatible product, in order to prioritize operating efficiency over suspending the forming of the image.

The Office Action asserts that Suzuki discloses that when the expendable apparatus is an incompatible product, the control unit 5 performs the protecting function to prevent use of the incompatible product at that time, and automatically adjusts the matching parameters for desired functions of the image forming apparatus such that a normal printing operation can be carried out.

However, Suzuki fails to teach or suggest the control information input means recited in claim 7 that enables an operator to input control information of the object to be controlled when the expendable apparatus is an incompatible product. Suzuki discloses only automatically adjusting matching parameters within the predetermined adjustable range and setting them when the expendable apparatus is an incompatible product. That is, in Suzuki it is possible to adjust control information only within the predetermined adjustable range.

On the other hand, since the invention recited in claim 7 comprises the control information input means, it is possible to input control information beyond the predetermined adjustable range in Suzuki, and to continue forming an image on the basis of the input control information. Furthermore, it is possible to extend the range of usable expendable apparatus, thereby improving operating efficiency.

Therefore, the invention recited in claim 7 is clearly different from Suzuki, because the invention recited in claim 7 comprises the control information input means. Independent claims 16 and 17 have also been amended to recite: "a control information input means that enables an operator to input control information ... when the distinguishing information read out from the storage means ... by the read out means represents ... an incompatible product."

For reasons similar or somewhat similar to those described above with regard to independent claim 7, independent claims 16 and 17 are also patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 7-17 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references,

it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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